

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 JOY CHEN
5 Assistant Federal Public Defender
6 411 E. Bonneville, Ste. 250
7 Las Vegas, Nevada 89101
8 (702) 388-6577/Phone
9 (702) 388-6261/Fax
10 Joy_Chen@fd.org

11 Attorney for Mitchell Jenkins

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13 **UNITED STATES DISTRICT COURT**
14
15 **DISTRICT OF NEVADA**

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 MITCHELL JENKINS,

20 Defendant.

21 Case No. 2:24-cv-00346-JCM-EJY

22 **Stipulation to Extend Time to File
23 Opening Brief and Answering Brief
24 (Fourth Request)**

25 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
26 United States Attorney, and Robert L. Ellman, Assistant United States Attorney, counsel for
the United States of America, and Rene L. Valladares, Federal Public Defender, and Joy Chen,
Assistant Federal Public Defender, counsel for Mitchell Jenkins, request that the due date for
Mr. Jenkins' opening brief (ECF No. 11), be extended twenty-one (21) days; and that the due
date for the government's answering brief be extended twenty-one (21) days.

27 This Stipulation is entered into for the following reasons:

28 1. Defense counsel received transcripts in this matter on March 21, 2024.
29 2. This case involves an appeal from a bench trial in which Mr. Jenkins was
30 found guilty of one count of resisting arrest, 43 C.F.R. 8365.1-4(a)(4). The parties disagreed
31

1 about the proper interpretation of the regulation, for which there is little governing caselaw,
2 and the sufficiency of the evidence presented at trial.

3 3. Given the relative complexity of this appeal, defense counsel requires
4 additional time to review the record, research the issues, and prepare the opening brief.

5 4. The defendant is out of custody and does not oppose the continuance

6 This is the fourth request for a continuance filed herein.

7 DATED this 29th day of May 2024.

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9 RENE L. VALLADARES
10 Federal Public Defender

11 JASON M. FRIERSON
12 United States Attorney

13 By /s/ Joy Chen
14 JOY CHEN
15 Assistant Federal Public Defender

16 By /s/ Robert L. Ellman
17 ROBERT L. ELLMAN
18 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
MITCHELL JENKINS,
Defendant.

Case No. 2:24-cv-00346-JCM-EJY

IT IS THEREFORE ORDERED that upon consideration of Defendant's Request to Extend Time to File Opening Brief and Answering Brief, that the Defendant's deadline to file his opening brief is extended to **June 21, 2024**; and that the Government's deadline to file its answering brief is extended to **July 12, 2024**.

DATED May 29, 2024.

James C. Mahan
UNITED STATES DISTRICT JUDGE